

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEISHA M. WHITE,

Plaintiff,

-against-

THE OFFICER OF DOE PUPIL
TRANSPORTATION; SAMANTHA
GONZALEZ; NAIAD KHEMRAJ;
CHRISTINE OWNES,

Defendants.

1:24-CV-8624 (JGK)

ORDER OF SERVICE

JOHN G. KOELTL, United States District Judge:

Plaintiff Keisha M. White, who is appearing *pro se*, filed this action invoking the court's federal question jurisdiction, seeking damages and, perhaps, injunctive relief. She appears to assert claims on her own behalf and on behalf of her minor daughter.¹ Plaintiff sues: (1) what the Court understands to be the New York City Department of Education's ("DOE") Office of Pupil Transportation ("OPT"); (2) OPT official Samantha Gonzalez; (3) an Office Administrator and Community Coordinator at The Facing History School, Naiad Khemraj; and (4) the Payroll Secretary at The Facing School, Christine Owens.² The Court construes the complaint as asserting claims against the OPT under the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973. The Court also

¹ Under Rule 5.2(a)(3) of the Federal Rules of Civil Procedure, references to a minor child's name in court submissions must be made by using only the child's name's initials. *See* Fed. R. Civ. P. 5.2(a)(3). Plaintiff, in her complaint and in her *in forma pauperis* ("IFP") applications, reveals the full name of her minor child. Accordingly, in an abundance of caution, the Court has directed the Clerk of Court to restrict electronic access to Plaintiff's complaint and IFP applications to a "case participant-only" basis.

² Plaintiff alleges that her minor daughter attends The Facing History School, a public DOE middle and high school.

construes the complaint as asserting claims against the OPT and the individual defendants under state law.

By order dated November 20, 2024, the court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. The Court directs service on the defendants.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to assistance from the Court and the United States Marshals Service ("USMS") to effect service.³ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the USMS to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on the defendants through the USMS, the Clerk of Court is instructed to fill out a USMS Process Receipt and Return form ("USM-285 form") for each of the defendants. The Clerk of Court is further instructed to issue a summons for each of the defendants and deliver to the USMS all of the paperwork necessary for the USMS to effect service of a summons and the complaint on each of the defendants.

If the complaint is not served within 90 days after the date summonses for the defendants are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

³Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if she fails to do so.

CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs service on the defendants.

The Court further directs the Clerk of Court to: (1) issue summonses for Defendants “The Office of DOE of Pupil Transportation,”⁴ Samantha Gonzalez, Naiad Khemraj, and Christine Owens; (2) complete USM-285 forms with the service addresses for each of those defendants; and (3) deliver all documents necessary to effect service of a summons and the complaint on each of those defendants to the USMS.

Parties proceeding *pro se* may submit filings by email to ProSe@nysd.uscourts.gov and may consent to receive all court documents electronically. The consent to electronic service form and instructions about filing by email are both available on the court’s website at <https://www.nysd.uscourts.gov/prose>.

Pro se parties who do not wish to submit filings electronically may submit documents by regular mail or in person at the U.S. Courthouses in Manhattan (500 Pearl Street, New York, New York 10007) and in White Plains (300 Quarropas Street, White Plains, New York 10601).

The City Bar Justice Center (“CBJC”) operates the SDNY Federal Pro Se Legal Assistance Project to assist self-represented parties with civil cases in this court. Appointments can be scheduled by phone (212-382-4794), email (fedprosdny@nycbar.org), or by completing the CBJC’s intake form. The CBJC is a private organization that it not part of the court, and the

⁴ The Court understands this defendant to be the New York City Department of Education’s Office of Pupil Transportation.

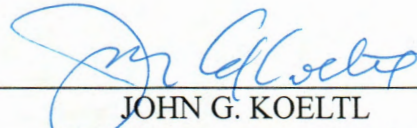
CBJC's SDNY Federal Pro Se Legal Assistance Project cannot accept filings on behalf of the court. A flyer with details is attached.

SO ORDERED.

Dated:

New York, New York

12/19/24



JOHN G. KOELTL
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. New York City Department of Education
Office of Pupil Transportation
44-36 Vernon Boulevard
Long Island City, New York 11101
2. Samantha Gonzalez
Office of Pupil Transportation
44-36 Vernon Boulevard
Long Island City, New York 11101
3. Naiad Khemraj, Office Administrator/Community Coordinator
The Facing History School
525 West 50th Street
New York, New York 10019
4. Christine Owens, Payroll Secretary
The Facing History School
525 West 50th Street
New York, New York 10019

FEDERAL PRO SE LEGAL ASSISTANCE PROJECT

in the Southern District of New York (SDNY)



ABOUT THE PROJECT

The Federal Pro Se Legal Assistance Project provides limited assistance to self-represented litigants (plaintiffs and defendants) with cases involving civil legal matters in the United States District Court for the Southern District of New York (SDNY).

This project assists plaintiffs and defendants on a variety of federal legal issues, including, among others, civil rights, employment discrimination, and disability discrimination. The team also assists incarcerated individuals with civil (non-criminal) claims.

HOW WE HELP

Fed Pro provides limited assistance through full-time attorneys, legal support team members, pro bono (volunteer) attorneys, law school/college interns, and a social work team. **While we cannot provide full representation**, Fed Pro can assist litigants by providing limited-scope services such as:



Counseling about potential federal claims prior to filing suit



Consulting on **discovery** matters



Interpreting and explaining federal law and procedure

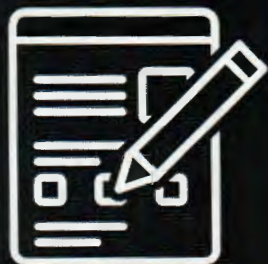


Assisting with the **settlement** process (including mediation)



Reviewing drafted pleadings and correspondence with the Court

HOW TO ACCESS OUR SERVICES



For assistance, please complete the online form located on our website, <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>.

If you are not able to complete the form, or you have questions about the form, please call (212) 382-4794. Please leave a message and wait for us to call you back.